

(E) NURSING HOME.

"NURSING HOME" MEANS AN INSTITUTION OR PART OF AN INSTITUTION THAT:

(1) IS A "SKILLED NURSING FACILITY" OR AN "INTERMEDIATE CARE FACILITY" AS THOSE TERMS ARE DEFINED BY FEDERAL LAW AND PARTICIPATES IN A PROGRAM UNDER TITLE XVIII OR TITLE XIX OF THE SOCIAL SECURITY ACT; OR

(2) IF IT IS LICENSED ONLY BY THIS STATE, OTHERWISE MEETS THE FEDERAL REQUIREMENTS FOR A "SKILLED NURSING FACILITY" OR AN "INTERMEDIATE CARE FACILITY" AS THOSE TERMS ARE DEFINED BY FEDERAL LAW.

REVISOR'S NOTE: This subsection is new language substituted for present Art. 43, § 767(3). The new definition is necessary to state explicitly that for the purposes of this title a "nursing home" is a State licensed nursing home that could meet federal licensing and funding standards or a nursing home that is required by federal law to be under the direction of a licensed nursing home administrator.

The present definition provides that "'nursing home' has the same meaning as that term is defined in § 556(e)(1) of Art. 43, ... as more fully set forth in the rules and regulations of the Department...". However, for the purpose of this title the definition found in the cross-referenced section is obsolete and, in light of the actual practice of the Board, overbroad and inaccurate. The Board is a licensing authority that is required by federal law for purposes of revenue sharing under 42 U.S.C. § 1396a(a)(5). Therefore, as a matter of practice, the Board limits its jurisdiction only to those nursing homes that are required by federal law to be under the direction of a licensed nursing home administrator and to those State licensed nursing homes that could meet federal licensing and funding standards. Thus, the intended jurisdiction of the Board does not correspond to the "nursing homes" covered by Art. 43, § 556(e)(1) of the Code.

As to the applicable federal law, see 42 U.S.C. § 1396 et seq.

See also the definitions of "skilled nursing facility" and "intermediate care facility" in 42 U.S.C. § 1395x(j) and 42 U.S.C. § 1396d(c), respectively.

(F) NURSING HOME ADMINISTRATOR.